

SUBJECT: Sick Leave with Pay	NUMBER: 60.000.01
DIVISION: Human Resource Services Division	EFFECTIVE DATE: 12/06/06

APPROVED: Signature on file with the Human Resource Services Division

POLICY STATEMENT: Sick leave with pay is an accrued benefit that is granted to eligible employees to provide time off from work for personal and family illness or injury.

AUTHORITY: ORS 173.005; 236.610; 240.145(3); 240.551; 659a.150 – 659a.186

APPLICABILITY: Classified unrepresented, management service, unclassified executive service and unclassified unrepresented employees.

ATTACHMENTS: None

DEFINITIONS: See HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY

(1) Sick leave with pay is an accrued benefit that is granted to eligible employees to provide time off from work for personal and family illness or injury.

(a) Eligibility for and Use of Sick Leave

(A) An employee may use accrued sick leave with pay on or after the first of the month following the month of accrual for personal or a family member's illness, emergency repair of personal assistive devices which are medically necessary for the employee to perform assigned duties, medical or dental care, injury, or death or any period of absence from employment qualifying as family or medical leave under HRSD State Policy 60.000.15, Family and Medical Leave.

(B) If the absence from employment is qualifying under HRSD State Policy 60.000.15, Family and Medical Leave, "family member" is defined in the applicable leave law.

(C) For sick leave purposes, "family member" is defined as spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(D) Certification of an attending physician or health care practitioner may be required by the appointing authority.

(b) Accrual Rate

(A) A full-time employee shall accrue eight hours of sick leave per month.

(B) A full-time employee on leave without pay or a part-time employee shall accrue sick leave on a pro rata basis.

(C) Actual time worked and all leave with pay, except for educational leave, shall be included in determining the pro rata accrual of sick leave each month.

(c) Transfer of Sick Leave Hours

(A) When an employee transfers to another agency, the employee's unused sick leave hours shall transfer to the gaining agency. This includes employees transferring to and from the Oregon University System (OUS).

(B) If the employee came from another public employer within the State of Oregon because its functions were assumed by a state agency, that agency, upon appointing the employee without a break of more than 15 calendar days, shall accept the amount of unused sick leave accrued during the employee's tenure with the public employer as long as the public employer's accrual rate does not exceed the state agency's accrual rate of eight hours per month. If the public employer's accrual rate exceeds eight hours per month, the state agency shall apply the following formula:

$$\frac{8 \text{ hours}}{\text{Previous Accrual Rate}} \times \text{Sick Leave Balance at Previous Employer} = \text{Maximum Sick Leave Assumable}$$

(d) Sick Leave Upon Separation

No compensation for unused sick leave hours shall be allowed upon separation except as provided in the applicable provisions of the Public Employees Retirement Act.

(e) Restoration of Sick Leave Upon Rehire

(A) **Except for Public Employees Retirement System (PERS) retirees**, an employee who separates from state service and returns within two years shall have unused sick leave hours accrued during previous employment restored.

(B) All unused sick leave hours are reported to the Public Employees Retirement System (PERS) upon employee retirement and are considered used as of the effective date of retirement. Such used sick leave hours may not be restored to a PERS retiree who subsequently returns to work.

(C) Unused sick leave hours accrued in an exempt position (other than legislative) or a position with OUS, in a manner comparable to this policy, may be restored upon appointment to a classified unrepresented, management service, or unclassified position as long as the appointment occurs within two years of separation from the exempt or OUS position.

(D) Unused sick leave hours accrued in an exempt position in the legislative branch shall be restored in accordance with ORS 173.005.

(f) Coordination with Workers' Compensation

Sick leave resulting from a condition incurred on the job and also covered by Workers' Compensation, shall, if elected to be used by the employee, be used to equal the difference between the Workers' Compensation for lost time and the employee's regular salary rate. In such instances, prorated charges will be made against accrued sick leave. Should an employee who has exhausted accrued sick leave elect to use other accrued leave during a period in which Workers' Compensation is being received, the salary paid for such period shall be equal to the difference between the Workers' Compensation for lost time and the employee's regular salary rate. In such instances, prorated charges will be made against accrued leave. No employee shall be required to utilize leave while receiving time loss benefits.